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APPROVED AS TO FORM AND LEGALITY

DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL
RESOLUTION NO. 86901 C.M.S.

**RESOLUTION OF THE COUNCIL OF THE CITY OF
OAKLAND CALLING SPECIAL ELECTION FOR
QUALIFIED ELECTORS OF COMMUNITY FACILITIES
DISTRICT NO. 2017-1 (BROOKLYN BASIN PUBLIC
SERVICES)**

WHEREAS, on October 3, 2017, the City Council of the City of Oakland (“**City Council**”) adopted its Resolution of Intention (Resolution No. 86921 C.M.S.) (the “**Resolution of Intention**”) to establish City of Oakland Community Facilities District No. 2017-1 (Brooklyn Basin Public Services) (the “**District**” or “**CFD**”) and to authorize the levy of a special tax (“**Special Tax**”) to pay the costs of certain public services to be provided within the District pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (Government Code Section 53311 et seq.) (the “**Act**”); and

WHEREAS, on November 7, 2017, the City Council conducted a public hearing on the formation of the CFD, determined that a majority protest under the Act was not made at the hearing, and adopted Resolution No. _____ C.M.S., a Resolution of Formation pursuant to the Act, thereby completing its proceedings for formation of the proposed CFD. The Resolution of Formation is on file with the City Clerk and the provisions thereof are incorporated herein by this reference as if fully set forth in this resolution; and

WHEREAS, the Resolution of Intention incorporated by reference a map of the proposed boundaries of the District (the “**Boundary Map**,” attached as Exhibit 4 to the Resolution of Intention), described the public services and administrative costs eligible to be funded by the District (collectively, the “**Services**”, attached as Exhibit 2 to the Resolution of Intention), and the rate and method of apportionment of the Special Tax to be levied among parcels of nonexempt real property within the District (the “**Rate and Method of Apportionment**,” attached as Exhibit 3 to the Resolution of Intention) in order to pay for the Services. The Resolution of Intention and all of its attachments are on file with the City Clerk of the City of Oakland (“**City Clerk**”) and the provisions thereof are incorporated herein by this reference as if fully set forth in this resolution; and

WHEREAS, the levy of said proposed Special Tax shall be subject to the approval of the qualified electors of the District at a special election; and

WHEREAS, the form of special election ballot is attached hereto as Exhibit A and by this reference incorporated herein; and

WHEREAS, letters received from the Alameda County Registrar of Voters have been filed with the City Clerk ("**ROV Certificates**") certifying that as of August 9, 2017 (attached as Exhibit B hereto), and October 26, 2017 (hereby incorporated by reference), there are zero persons registered to vote within the boundaries of the District. The result of which, pursuant to Section 53326 of the Government Code, means the qualified electors of the District for the proposed election shall be the landowners of the District; and

WHEREAS, prior to the adoption of the Resolution of Intention, landowners representing 100% of the qualified electors within the District filed with the City Clerk a Waiver and Consent with Respect to Conduct of Public Hearings and Mail Ballot Election for Landowner Election for a Community Facilities District (the "**Waiver and Consent**," attached as Exhibit 5 to the Resolution of Intention), by which, among other things, the time limits and related requirements with respect to the formation of the District and preparation and distribution of election materials were waived; now, therefore be it

RESOLVED by the City Council as follows:

1. That the City Council accepts the Certificate re: Land Ownership ("**Certificate**") previously filed with the City Clerk and finds, in accordance with the Certificate and the ROV Certificates, that there have been fewer than twelve registered voters residing within the boundaries of the District. Accordingly, under the Act, the qualified electors of the District for the proposed special election shall be landowners within the District.

2. That the City Council finds and determines that the landowners of record owning nonexempt property within the District (collectively, the "**Landowners**") are the qualified electors, and that, as set forth on the special election ballot attached hereto as Exhibit A, all of the votes which may be cast in said special election are to be cast by the Landowners.

3. That the City Council finds and determines that the authorized representatives of the Landowners have filed with the City Clerk the Waiver and Consent; approves the form of the Waiver and Consent; and finds that the rights, procedures, and time periods therein waived are solely for the protection of the voters, may be waived under the Act, and that the Waiver and Consent constitutes a full and knowing waiver, by any voter who has executed the form, of those rights, procedures and time periods.

4. The City Council further finds that the Landowners are those set forth in the attachment to the Certificate and that the attachment correctly sets forth how much property is owned by each Landowner and the number of votes to which each Landowner is entitled.

5. That pursuant to the Act, the City of Oakland hereby calls an election, to be held and conducted immediately following adoption of this Resolution, and sets this same date as the election date. Pursuant to the Act, the election shall be conducted by mail ballot or personal service of the ballot.

6. The special election shall be conducted by the City Clerk, and that the City Clerk or designee is directed to mail or to deliver the ballots, in the form of Exhibit A hereto, to all of the Landowners shown on the attachment to the Certificate. The City Clerk or designee shall fill in the names of the Landowners and the number of votes to be cast on each ballot, according to the Certificate, before delivery or mailing. The prior receipt of the election ballot by the Landowners, with a return date of 2:00 pm on Tuesday, November 7, 2017, is hereby ratified as a form of personal service and delivery.

7. That the City Clerk having certified the receipt of the signed and marked ballots of the Landowners prior to adoption of this Resolution, as shown on Exhibit A, which is attached and hereby incorporated by reference, the City of Oakland hereby closes the election.

8. That this Resolution shall become effective immediately upon passage.

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 07, 2017

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GIBSON MCELHANEY,
GUILLÉN, KALB, KAPLAN AND PRESIDENT REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

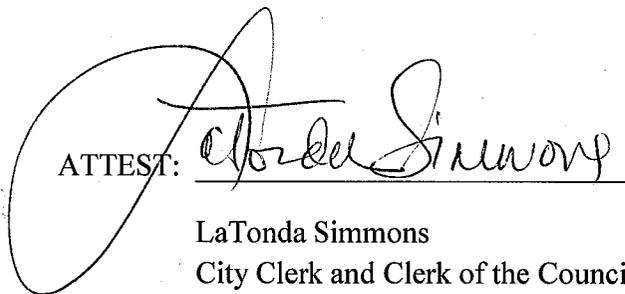
ATTEST: 
LaTonda Simmons
City Clerk and Clerk of the Council
City of Oakland, California

EXHIBIT A

OFFICIAL BALLOT

SPECIAL ELECTION

City of Oakland Community Facilities District No. 2017-1
(Brooklyn Basin Public Services)

This ballot is for the use of _____, the landowner owning land (Final Tract Map No. _____; APN: [____]) within Community Facilities District No. 2017-1 (Brooklyn Basin Public Services), City of Oakland, County of Alameda, State of California, representing _____ votes on this ballot.

In order to be counted, the ballot must be returned by 2 pm on Tuesday, November 7, 2017, to LaTonda Simmons, City Clerk, City of Oakland, One Frank H. Ogawa Plaza, 1st Floor, Oakland, CA 94612.

Mailing by that date will not be sufficient. The ballot must be physically received by the City Clerk prior to the deadline in order to be counted.

TO VOTE, MARK AN "X" IN THE VOTING LINE AFTER THE WORD "YES" OR AFTER THE WORD "NO." ALL MARKS OTHERWISE MADE ARE FORBIDDEN. If you incorrectly mark, or tear or deface this ballot, return it to the City Clerk and obtain another one.

BALLOT MEASURE

Shall the City of Oakland be authorized to levy a special tax, and finance the authorized services, and costs and expenses by and through its Community Facilities District No. 2017- 1 (Brooklyn Basin Public Services), all as specified in the Oakland City Council Resolution No. _____ C.M.S. and Resolution No. _____ C.M.S.; and establish an appropriations limit for Community Facilities District No. 2017-1 (Brooklyn Basin Public Services) in the amount of \$348,000,000?

YES

NO

CERTIFICATION

The undersigned is the duly authorized representative of the above-named landowner and is the person legally authorized and entitled to cast this ballot on behalf of the above-named landowner.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on _____, 2017.

Name of Landowner: _____

By: _____

Name of signatory: _____

Title of signatory: _____

EXHIBIT B

ROV CERTIFICATE

City of Oakland Community Facilities District No. 2017-1
(Brooklyn Basin Public Services)



REGISTRAR OF VOTERS

Alameda County • California

TIM DUPUIS
REGISTRAR OF VOTERS

September 13, 2017

Ericka Curls Bartling
Curls Bartling P.C.
Lake Merritt Plaza
1999 Harrison St, Suite 610
Oakland, CA 94612

RE: City of Oakland Brooklyn Basin CFD - Request for Services - Letter regarding Registered Voters

Dear Ms. Curls Bartling:

I hereby certify that, as of August 9, 2017, there were 0 (zero) registered voters within the boundaries of the above-named proposal.

The number of registered voters was determined using the boundary map (including a list of Assessor's parcel numbers) titled: *Proposed Boundaries of Community Facilities District No. 2017 - 1 (Brooklyn Basin Public Services)*, as well as an archived voter export from August 9, 2017.

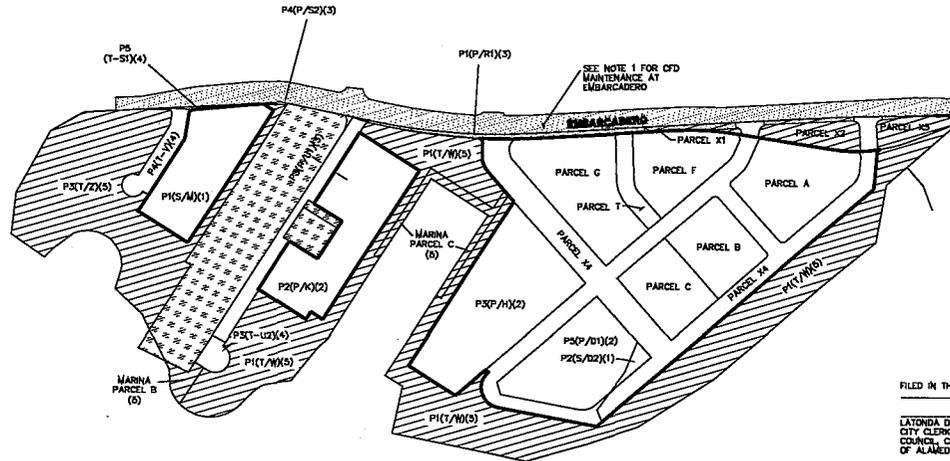
Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Dustin Zafren".

Dustin Zafren
Geographic Information Systems Technician

**PROPOSED BOUNDARIES OF
COMMUNITY FACILITIES DISTRICT NO. 2017-1 (BROOKLYN BASIN PUBLIC SERVICES)**
CITY OF OAKLAND
COUNTY OF ALAMEDA, STATE OF CALIFORNIA



FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF OAKLAND THIS ____ DAY OF ____ 2017.

LATONDA D. SIMMONS
CITY CLERK AND CLERK OF THE CITY
COUNCIL, CITY OF OAKLAND, COUNTY
OF ALAMEDA, STATE OF CALIFORNIA

BASIS OF BEARINGS

THE CALCULATED BEARING SOUTH 72°09'16" EAST, BETWEEN THE TWO FOUND MONUMENTS "SHIP" AND "H133", HELD CC583 COORDINATE OF NORTH = 2115106.186 AND EAST = 8032732.398 AT POINT "SHIP", AS SAID MONUMENTS AND COORDINATES ARE SHOWN UPON RECORD OF SURVEY NO. 1847, FILED FOR RECORD ON NOVEMBER 8, 2004 IN BOOK 28 OF RECORDS OF SURVEY AT PAGES 23 THROUGH 28, ALAMEDA COUNTY RECORDS, STATE OF CALIFORNIA, WAS USED AS THE BASIS OF ALL BEARINGS SHOWN.

ALL BEARINGS SHOWN ON THIS SURVEY ARE BASED ON UPON THE NORTH AMERICAN DATUM OF 1983, CALIFORNIA COORDINATE SYSTEM OF 1983 (CC583), ZONE 12.

ALL DISTANCES SHOWN ON THIS PLAN ARE GROUND DISTANCES. TO OBTAIN GRID DISTANCES, MULTIPLY GROUND DISTANCES SHOWN BY 0.9999293.

LEGEND

DOC NO	DOCUMENT NUMBER
NON	MONUMENT
O.R.	OFFICIAL RECORDS
P	PARCEL
UPRR	UNION PACIFIC RAIL ROAD
P4(P/B1)(2)	INDICATES PARCEL 4 (P/B1) PER DOCUMENT REFERENCE (2)

THE PARCELS DESIGNATED ON THIS EXHIBIT ARE THE SAME AS THOSE DESCRIBED IN THE FOLLOWING DEEDS:

- (1) RECORDED ON JUNE 6, 2013 AS DOC NO 2013203239
- (2) RECORDED ON JUNE 10, 2013 AS DOC NO 2013203240
- (3) RECORDED ON JUNE 10, 2013 AS DOC NO 2013203242
- (4) RECORDED ON JUNE 10, 2013 AS DOC NO 2013203245
- (5) RECORDED ON JUNE 10, 2013 AS DOC NO 2013203248
- (6) RECORDED ON FEBRUARY 26, 2005 AS COMMUNITY ROADWAY EASEMENT DOC NO 2005677956

EASEMENTS ARE NOT PLOTTED

ASSESSOR'S PARCELS WITHIN OAKLAND COMMUNITY FACILITIES DISTRICT NO. 2017-1

- 018-0430-001-14
- 018-0460-004-10
- 018-0480-004-11
- 018-0480-004-06
- 018-0480-004-08
- 018-0480-012-00
- 018-0480-013-00
- 018-0480-014-00
- 018-0480-002-10
- 018-0480-002-12
- 018-0480-002-16
- 018-0480-002-18
- 018-0480-002-20
- 018-0480-002-24
- 018-0480-002-27
- 018-0480-002-29
- 018-0480-002-30
- 018-0480-002-06

LINE TYPES & SYMBOLS

- COMMUNITY FACILITIES DISTRICT BOUNDARY
- ASSESSOR'S PARCEL MAP BOUNDARY
- LIMIT OF ASSESSED & MAINTAINED PROPERTIES (PROPERTIES WITHIN CFD)
- LIMIT OF SERVICE AREA (AREAS MAINTAINED BY CFD)
- LIMIT OF EMBARCADERO SERVICE AREA (LANDSCAPE AREAS MAINTAINED BY CFD AS DESCRIBED IN NOTE 1)
- OUT PARCELS (NOT INCLUDED IN DEVELOPMENT OR CFD)

MAINTENANCE NOTE

1. CFD MAINTENANCE ON EMBARCADERO INCLUDES ALL OF THE LANDSCAPING ON EMBARCADERO (TREES, PALMS AND SHRUBS) AND RESERVES FOR THE REPLACEMENT OF LANDSCAPING, MAINTENANCE OF THE SIDEWALK (ON THE SOUTH SIDE OF EMBARCADERO), MAINTENANCE AND RESERVES FOR IRRIGATION AND UTILITY COSTS INCURRED FOR CONTROLLER OPERATIONS AND IRRIGATION.

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. (BROOKLYN BASIN), CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF OAKLAND AT A REGULAR MEETING HELD ON THE ____ OF ____ 2017 BY ITS RESOLUTION NO. ____

LATONDA D. SIMMONS
CITY CLERK AND CLERK OF THE CITY
COUNCIL, CITY OF OAKLAND, COUNTY
OF ALAMEDA, STATE OF CALIFORNIA

FILED THIS ____ DAY OF ____ 2017, AT THE HOUR OF ____ O'CLOCK ____ IN BOOK ____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE ____ DOCUMENT NO. ____ IN THE OFFICE OF THE COUNTY RECORDER IN ALAMEDA COUNTY, STATE OF CALIFORNIA.

STEVE WANNING
CLERK RECORDER
ALAMEDA COUNTY
STATE OF CALIFORNIA

ASSESSOR PARCELS WITHIN BOUNDARY FOR PARTICULARS OF LINES AND DIMENSIONS OF PARCELS, REFERENCE IS MADE TO THE ASSESSOR PARCEL NUMBERS OF ALAMEDA COUNTY

PREPARED: MARCH 06, 2017

